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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/334,375 06/16/99 SIWINSKI

M 79496WSS

001333  
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MM91/0424

EXAMINER

MOUTTET, R

ART UNIT

PAPER NUMBER

2853

DATE MAILED:

04/24/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/334,375

Applicant(s)

SIWINSKI ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 18, 36 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said third memory" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. This rejection would be overcome if claim 17, from which claim 18 depends, were made to depend upon claim 13 which contains the proper antecedent basis.

Claim 36 recites the limitation "the step of providing a third transducer" in line 6. There is insufficient antecedent basis for this limitation in the claim. This rejection would be overcome if claim 35, from which claim 36 depends, were made to depend upon claim 31 which contains the proper antecedent basis.

It is not clear as to whether claim 43 is drawn to a method for sensing data or a transponder and memory device. If this claim is drawn to a transponder and memory device it is not clear what structural limitations are being included in from claim 37 (i.e. what structural limitations are "specially adapted" for use in the method of claim 37). If this claim is drawn to a method for sensing data it is suggested that "A transponder and memory specially adapted for use in the method of claim 37" be amended to read --The method of claim 37--.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5, 19-21, 23 and 37-48 are rejected under 35 U.S.C. 102(a) as being anticipated by Purcell et al. WO 98/52762.

Purcell et al. discloses, regarding claims 1-3, 5, 19-21 and 23, a printer and printing method comprising

operating a transceiver (86) for transmitting a first radio frequency and receiving a second radio frequency (page 5, lines 26-29),

providing a transponder (140) coupled to a paper roll consumable (128) as shown in figure 9 which receives the first radio frequency and generates a second radio frequency in response (page 9, lines 15-17) and

providing a memory coupled to the transponder having information stored within regarding the paper roll (page 9, lines 22-24) and wherein the second radio frequency carries this information to the transceiver (page 9, lines 5-8).

Regarding claim 37, Purcell et al. discloses that the general properties of the transponder are found in Carroll US 4,857,893 incorporated by reference in its entirety (page 9, lines 8-10). Carroll discloses the transponder is powered by the received carrier frequency (column 4, lines 64-67 of Carroll).

Regarding claim 38, Purcell et al. discloses devices with sensing mechanism to detect the amount of remaining paper (page 9, lines 26-33).

Regarding claim 39, the transceiver does not make contact with the transponder (page 9, lines 6-8).

Regarding claim 40, the transponder of the Carroll reference includes an EEPROM memory (102) on a semiconductor substrate (column 3, lines 11-14 of Carroll).

Regarding claims 41-43, the second radio frequency includes data related to the print roll for subsequent processing in operating the printer (page 9, lines 24-26).

Regarding claims 44-48, control logic determines the type of print roll, the manufacturing date and batch number, calibration data, sensor data and compatibility of the paper media with ink (page 9, lines 18-20 and page 10, lines 5-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 4, 6-18, 22, 24-36 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell et al. WO 98/52762 in view of Dorez et al. WO 97/28001.

Purcell discloses an ink reservoir (77) and a print cartridge (74).

Purcell et al. fails to disclose more than one transducer and associated memory element for sending and receiving information uniquely associated with a consumable in which the consumables include ink, print cartridges, cleaning fluid or waste storage containers.

Dorez et al. discloses a printer (10) that communicates via an electromagnetic link (18) with a label (11) on ink cartridge (13) in which the label stores information regarding the ink cartridge (13) (see abstract).

Official notice is taken that other consumables in a printer such as print cartridges, cleaning fluid and waste storage containers are known to have labels, such as bar code labels, with information regarding the consumables contained on the label.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to place transducers, such as the transducer disclosed by Purcell et al., on other consumables in a printer such as ink cartridges, print cartridges, cleaning fluid containers and waste storage containers.

The motivation for doing so would have been in order to facilitate work of the operator by contactless communication as taught by the abstract of Dorez et al. and on page 1, lines 29-33 of Purcell et al.

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. Art Unit 2853, can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet 4/11/2001

BM 4/11/2001

  
John Barlow  
Supervisory Patent Examiner  
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